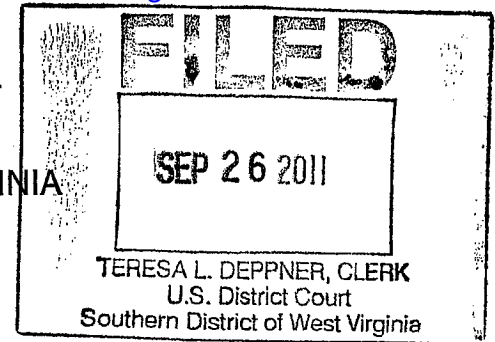


UNITED STATES DISTRICT COURT
for the
SOUTHERN DISTRICT OF WEST VIRGINIA
Charleston, West Virginia

United States of America,
Plaintiff,
v
\$88,029.08

Civil Action No. 2:10-cv-1087
Judge Copenhaver



~~\$27,671.50 (dismissed)~~

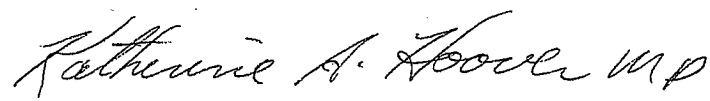
Interested parties:
Katherine Anne Hoover MD,
John F. Tomasic
(no pending criminal charges)

NOTICE TO THE COURT

The interested parties, John F. Tomasic and Katherine A. Hoover, have sent form USM 3881 to Chief Deputy Timothy J. Goode because the Court's Order is directed to the United States Marshall Service, not to AUSA Pullin. The letter to Chief Deputy Goode and part of the Court's Order of August 8, 2011 are attached for clarity.

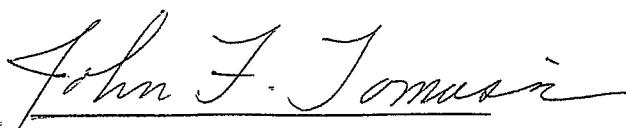
Respectfully submitted,


John F. Tomasic


Katherine A. Hoover MD

CERTIFICATE OF SERVICE

I, John F. Tomasic, do hereby certify that a true and correct copy of the foregoing NOTICE TO THE COURT with attachments has been sent to AUSA Betty Pullin at PO Box 1713 Charleston, WV 25326 on September 22, 2011.


John F. Tomasic
c/o Dr. Norman Gay
West Bay Street
Nassau, N.P., Bahamas
242-328-4014

KATHERINE A. HOOVER MD
JOHN F. TOMASIC
c/o Dr. Norman Gay
N-3222
West Bay Medical Clinic
West Bay Street
Nassau, N.P., Bahamas

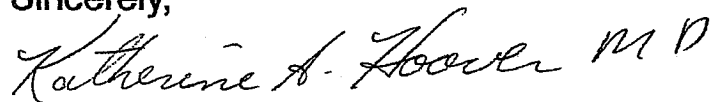
September 21, 2011
Chief Deputy United States Marshall
Timothy J. Goode
Charleston, West Virginia

Dear Chief Deputy Goode:
Re: Return of \$27,671.50

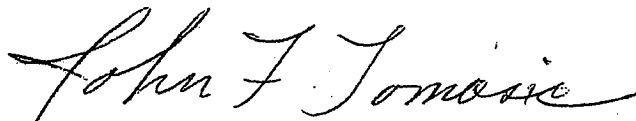
On August 8, 2011, Judge Copenhaver "Ordered that the United States Marshall Service ...is, directed to forthwith to return the seized currency to the interested parties and to reflect their receipt of the monies within the record of the case." The interested parties sent form USM-3881 to AUSA Pullin. AUSA Pullin refused to send the form to the United States Marshall Service. Today, you stated that the form needed to have Katherine Hoover's name on it not John Tomasic's name, although the Court Order states return to the interested parties. To avoid any further delay, we are sending USM 3881 directly to you with a copy to the Court and AUSA Pullin.

Thank you for your prompt attention. The United States improperly seized this money on March 2, 2010 and is now holding it in spite of the Court's very clear Order (pertinent part attached) to return the money by the United States Marshall to the interested parties.

Sincerely,



Katherine A. Hoover MD



John F. Tomasic

cc: AUSA Pullin
Clerk of Courts for the SDWV

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON**

UNITED STATES OF AMERICA,

Plaintiff

v.

**Civil Action No. 2:10-1087
(Lead action)**

**\$88,029.08, More or Less,
in United States Currency,**

UNITED STATES OF AMERICA,

Plaintiff

v.

**Civil Action No. 2:11-0101
(Consolidated action)**

**\$27,671.50, MORE OR LESS,
IN UNITED STATES CURRENCY**

Defendant

**IN THE MATTER OF THE SEIZURE
OF PROCEEDS ON DEPOSIT IN ACCOUNT
NOS. XXXXXX3002 AND XXXXXX7905,
WESBANCO BANK, WHEELING, WV,
IN THE NAME OF KATHERINE A. HOOVER**

**Magistrate Case No. 2:10-mj-0029
(Closed action)**

**IN THE MATTER OF THE SEARCH OF THE
BEDROOM USED BY DR. KATHERINE A. HOOVER
LOCATED AT 110 WEST SECOND AVENUE
WILLIAMSON, WV**

**Magistrate Case No. 2:10-mj-0035
(Closed action)**

Interested parties:

**Katherine Anne Hoover, M.D.
John F. Tomasic**

States v. Cox, 342 F.2d 167, 171 (5th Cir. 1965)). The court, accordingly, ORDERS that the motions for a perjury charge (dckt. nos. 72, 15) be, and they hereby are, denied.


The United States' moves to dismiss civil action 2:11-0101 (dckt. nos. 76, 19). It asserts that, after obtaining additional bank records respecting the account holding the monies for which forfeiture was sought, it is apparent that the sums therein neither constitute, nor are traceable to, proceeds from the illegal distribution of controlled substances.

Based upon this admission, it is ORDERED that the United States' motions to dismiss civil action 2:11-0101 (dckt. nos. 76, 19) be, and they hereby are, granted. It is further ORDERED that the United States Marshal Service be, and it hereby is, directed forthwith to return the seized currency to the interested parties and to reflect their receipt of the monies within the record of this case.

In view of this foregoing disposition, it is further ORDERED that the interested parties' (1) motions to dismiss civil action 2:11-0101 as fraudulent and untimely (dckt. nos. 67, 6), (2) verified motion to dismiss civil action 2:11-0101 for failure to state a claim (dckt. nos. 68, 8), (3) motion for summary

The Clerk is directed to forward copies of this written opinion and order to all counsel of record and any unrepresented interested parties.

DATED: August 8, 2011


John T. Copenhaver, Jr.
United States District Judge

